

Exhibit 5

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April 3, 2014

Jeffrey R. Smith
Lee & Hayes, PLLC
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Spokane, Washington 99201
Email: jeffreys@leehayes.com

Sent via E-Mail Only

RE: *Elf-Man, LLC v. Lamberson*
USDC ED Washington, 2:13-CV-00395-TOR

Dear Mr. Smith:

Thank you for your letter dated March 31, 2014, with respect to discovery in the above-referenced matter. I address the issues raised therein in turn.

RFP No. 15: You are correct that Judge Rice has directed us to disclose the substance of the arrangement between Plaintiff and its investigators in the event that no written agreement exists. I have finalized a response to you on this issue. I will circulate this to the involved parties to ensure its accuracy. Needless to say, I wish to ensure that what we provide is accurate and will not need to be corrected at a later date. I hope to have confirmation on this issue back by Monday (or, hopefully, tomorrow) and will forward a response to you at that time.

RFP No. 23: Transmitted by way of separate e-mail on this date is material marked as ESI-Confidential-0006. I apologize for the delay in getting this material to you. I have been attempting to access and review this material using several different computers but have had some difficulty. The attached electronically stored information consists of a file folder. As I understand it, the contents of which include the torrent file that was downloaded. Inside this are other files and folders, and the film itself is included under the title vmt-elfman.xvid.avi. We have designated this collection of material as Confidential under the protective order because a portion of its contents are proprietary. Of course, the copy of the film in its entirety is not proprietary and is excluded from this designation. If you have difficulty accessing this material or have further questions regarding what is being provided, please let me know and I will follow up on this.

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RFP No. 27: I am, of course, aware of the phrasing of this request. My notes from the discovery conference held by Judge Rice indicate that he directed us to produce any responsive materials with respect to the original seeder. Moreover, your letter of February 25, 2014, to the Court addresses this request with reference to the original seeder. In an effort to resolve any issue with respect to this request, I have inquired as to whether any such documents exist. If they do not, it seems to me that this resolves any remaining issue with respect to this request. If they do exist, I do not expect to have any objection to production. I will advise you as to the results of this inquiry.

Please understand that my inquiry relates to responsive documents generated by Plaintiff or its privies and not to any demand letters or other materials sent out by my office. Any such materials in our view would have no bearing on your apparent position that Plaintiff's anti-piracy efforts were somehow illegitimate and would fall within the categories of requests related to other actions pending in this jurisdiction and in the Western District of Washington with respect to which Judge Rice refused to order production.

RFP No. 28: With respect to the technical report referenced in our Initial Disclosures, as previously indicated we will produce that material once it has been generated. As to a date by which this will occur, the report will be generated and produced in compliance with any applicable procedural rules and the Court's scheduling order. This is the most specific information that I can provide on this issue at this time.

With respect to the subpoena to Comcast and its response, our file copies of these materials are currently at our Las Vegas office. Our assistant who is presently working in that office is out due to an illness in her family. Upon her return or when we have someone else in that office I will have these materials pulled and forwarded on to you.

With respect to depositions, as you know I believe that we should conduct at least a preliminary deposition of Mr. Lamberson before other depositions are conducted – I have previously explained my reasons for thinking that this is in the interest of economy and efficiency. One concern that I have relates to the adequacy of Mr. Lamberson's responses to our initial discovery requests. I expect to get a letter to you on this issue in the near term. In order to schedule this deposition as soon as possible, I am wondering if we might want to agree to schedule this deposition regardless of the status of other discovery with the understanding that the deposition will be held open for further questioning once other discovery has been conducted and discovery-related issues resolved. Please let me know if this approach is acceptable to your office.

With respect to depositions of Messrs. Patzer and Macek, can you please advise as to your proposal for covering their travel and related expenses if they appear in Spokane for depositions? Also, as I understand it Mr. Patzer is an outside consultant who will expect to be paid his hourly

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rate in addition to his travel expenses. As I previously indicated I would do, I have checked to see if these individuals regularly travel to the U.S. for other reasons which might reduce the cost of deposing them in the U.S. I have been told that they do not generally travel here in the ordinary course.

Thank you for your continued attention to this matter. Please let me know if you need anything further from us at this time.

Sincerely yours,

Dictated But Not Read

Maureen C. VanderMay
Attorney and Counselor at Law

MCV:ms
cc: Elf-Man/Lamberson EDWA File